

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DR. ANIL AGARWAL and MADHU  
AGARWAL,

*Plaintiffs,*

*-against-*

UNITED STATES OF AMERICA, *et al.*,

*Defendants.*

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14 Civ. 1873 (PAC) (KNF)

**ORDER ON REPORT AND  
RECOMMENDATION**

X

HONORABLE PAUL A. CROTTY, United States District Judge:

*Pro se* Plaintiffs Dr. Anil Agarwal and Madhu Agarwal (collectively, “Plaintiffs”)

brought this action against multiple defendants alleging violations of their constitutional rights.

This order addresses the motions to dismiss filed by Defendants Shapiro & DeNardo, LLC and

Stephanie L. Soondar (collectively, “S&D Defendants”) (Dkt. 89), “City of Union City” (Dkt.

97), “City of Garfield and Garfield Municipal Court Judge G[iu]seppe Randazzo and Township

of Secaucus” (collectively, “Garfield Defendants”) (Dkt. 104), Patricia A. Krogman (Dkt. 114),

Sandy DeLoRenzo, Hudson City Savings Bank, Custodian of Records for Hudson City Savings

Bank and Gerry Michata (collectively, “Hudson City Defendants”) (Dkt. 128), and “City of

Garfield Municipal Court Judge G[iu]seppe Randazzo” (Dkt. 144, 147).

The Court previously granted motions to dismiss the complaint brought by numerous other defendants. *See* Dkt. 86, Dkt. 154. The Court’s order of March 2, 2015 included Giuseppe Randazzo and dismissed him from this case. Accordingly, Randazzo’s two pending motions to

dismiss, Dockets 144 and 147, are terminated as moot. Likewise, the Court's order of September 11, 2015 dismissed the Hudson City Defendants from this case, so Docket 128 is terminated as moot.

Magistrate Judge Kevin Nathaniel Fox issued Reports and Recommendations ("R & R") on the motions filed by the S&D Defendants, City of Union City, the Garfield Defendants, and Krogman. Dkt. 134, 135, 137, 151. With respect to the S&D Defendants, City of Union City, and Garfield Defendants, Magistrate Judge Fox recommends denying the motions to dismiss. As he has recommended in prior R & Rs in this matter, Magistrate Judge Fox recommends denying these motions because movants have not moved to dismiss the operative complaint and because they are not parties to the action. With respect to Krogman's motion to dismiss, Magistrate Judge Fox recommends granting the motion because Plaintiffs' complaint "is devoid of any factual allegations concerning Krogman." Dkt. 151 at 8.

Plaintiffs filed "Constitutional Objections to various Recommendation's [sic] dated July of 2015." Dkt. 141 (listing R & Rs addressing, *inter alia*, Dkts. 89, 97, 104). Plaintiffs state that "they have no objection" to Magistrate Judge Fox's R & Rs—the remainder of Plaintiffs' response is nonsensical. Moving Defendants did not file any objections.

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where neither party files written objections, the Court may adopt the R & R as long as there is no clear error on the face of the record. *Wilds v. United Parcel Servs., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

The Court adopts the R & R recommending granting Krogman's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). In addition, S&D Defendants, City of Union City, and Garfield Defendants are dismissed, as they are not named in the operative complaint and so are not defendants in the pending action.<sup>1</sup>

The Clerk of Court is directed to terminate the motions at Docket Numbers 89, 97, 104, 114, 128, 144, and 147. Those movants are dismissed from the case. The reference to Magistrate Judge Fox is continued.

Dated: New York, New York  
October 5, 2015

SO ORDERED

  
PAUL A. CROTTY

United States District Judge

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<sup>1</sup> Giuseppe Randazzo, who is named as a moving defendant in Docket 104, is named in the operative complaint. As discussed above, however, he has already been dismissed from this case. *See* Dkt. 86.